

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES F. WUENSTEL, JR.,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 06-728
	)	
WESTMORELAND COUNTY PRISON,	)	
et al.,	)	
Defendants.	)	

ORDER

AND NOW, this 21<sup>st</sup> day of November, 2006, after the plaintiff, Charles F. Wuenstel, Jr., filed an action in the above-captioned case, and after a motion to dismiss or, in the alternative, for summary judgment was submitted by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 26), which is adopted as the opinion of this Court,

IT IS ORDERED that defendants' motion to dismiss, or, in the alternative, for summary judgment (Docket No. 21) is treated as a motion for summary judgment and is granted.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Charles F. Wuenstel, Jr.  
FY-0085  
SCI Greensburg  
RD 10 Box 10  
Greensburg, PA 15601-8999

James F. Israel, Esquire  
Email: [jisrael@gaca.com](mailto:jisrael@gaca.com)